

Appendix 7: Memorandum of Understanding (MOU)

This Memorandum of Understanding (hereinafter referred to as “MOU”) is entered into this the _____ day of _____, 2001, by and between the South Florida Water Management District (SFWMD), the United States Army Corps of Engineers (USACE) and any other Federal, State, and Local Agencies and Tribal Governments (hereinafter collectively referred to as “the parties”) that may elect to endorse the cooperative and inclusive objectives of this MOU. Now therefore, the parties hereby agree to the following:

1. Objectives

The objectives of this Memorandum of Understanding (MOU) document are to:

- (a) Recognize that Federal, State, and Local Agencies and Tribal Governments in South Florida have a mutual interest in achieving the goals of the Comprehensive Everglades Restoration Plan (CERP), including the ecological restoration of the freshwater and estuarine wetlands that make up the greater Everglades ecosystem, as well as providing for other water related needs of the region, including water supply and flood protection
- (b) Set forth principles that guide and enhance cooperation and communication between and amongst the Federal, State, and Local Agencies and Tribal governments on scientific and technical endeavors in support of CERP
- (c) Set forth a process whereby the parties can use all best available scientific information, cooperating and integrating their collective scientific and technical expertise and activities in support of the goals of CERP, and representing the perspectives of each agency regarding scientific and technical matters pertaining to CERP implementation
- (d) Substantially improve the quality and quantity of scientific information available to the restoration planning and implementation teams, thereby strengthening the level of public confidence in the ability of CERP to meet its objectives
- (e) Provide an opportunity for Federal, State and Local Agencies and Tribal Governments to endorse the RECOVER teams and process as the primary

means by which scientific and technical support for CERP will be organized and applied.

2. RECOVER Coordination Meetings

Cooperation by the parties pursuant to this MOU will take place at meetings of the Restoration Coordination and Verification (RECOVER) teams. All RECOVER meetings will be open to the public, and will be noticed in advance by posting the information on the CERP website at www.evergladesplan.org. Additional notice may be provided in an appropriate newspaper of general circulation, through e-mail or other means as appropriate. Objectives of these meetings will include:

- (a) Providing scientific and technical underpinnings for Everglades restoration, water supply and flood protection throughout the period of implementation of CERP
- (b) Modeling and evaluating alternative plan designs, and to design and implement a system-wide monitoring and adaptive assessment program for measuring the performance of the plan relative to restoration performance measures
- (c) Reviewing the effects that other restoration projects have on the performance of CERP
- (d) Ensuring that an ecosystem-wide perspective is maintained throughout the restoration process
- (e) Maintaining and improving the definition of success, and the vision of the CERP
- (f) Establishing long-term cooperation among the agencies that will maximize the benefits to CERP implementation and to the agencies through collaboration on scientific and modeling endeavors
- (g) Maintaining liaison with the South Florida Ecosystem Restoration Working Group and the Science Coordination Team of the Working Group and the Committee on Restoration of the Greater Everglades Ecosystem (CROGEE).

3. Participants

This MOU recognizes three categories of participation in the activities of RECOVER. The “Sponsoring Agencies” are the two lead agencies with the legal mandates to implement the Comprehensive Everglades Restoration Plan on behalf of the federal and state governments: the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD), respectively. The “Participating

Parties ” are all other Federal, State, Local Agencies and Tribal Governments that agree to join in the effort to coordinate and cooperate on scientific and resource issues and tasks in support of the Comprehensive Plan. The “Endorsing Parties” are all other Federal, State and Local Agencies and Tribal Governments that wish to be kept regularly informed of RECOVER activities and that wish to endorse the objectives of RECOVER.

4. Organization

In order to achieve its objectives, RECOVER is organized into six technical teams and one coordinating leadership group. Each technical team will focus on one of the following six areas: (1) Adaptive Assessment; (2) Regional Evaluation; (3) Comprehensive Plan Refinement; (4) Operations Planning; (5) Model Development & Refinement; and (6) Water Quality. A more detailed description of the RECOVER technical teams and leadership group including the responsibilities of each, is provided in the Master Program Management Plan for the Comprehensive Plan, and in the Program Management Plan for RECOVER.

- (a) *Technical Teams.* The activities of each of the six technical teams are coordinated by tri-chairs. The tri-chairs of each team will include a representative of each of the two Sponsoring Agencies for CERP (USACE and SFWMD) and one representative from one of the Participating Parties on RECOVER (federal, state, local or tribal). The one tri-chair representing the Participating Parties on each technical team will be appointed by the Sponsoring Agencies, selected from candidates proposed by the Participating Parties. Other members of the six technical teams of RECOVER will be made up of representatives of the Sponsoring Agencies and Participating Parties in south Florida. Members of RECOVER technical teams serve as partners in conducting all of the tasks of the teams. Members (tri-chairs and regular members) of RECOVER teams are expected to have appropriate scientific and technical expertise and experience in south Florida. Each RECOVER technical team will maintain a list of members and will keep all members informed of all team activities. Technical Team meetings will generally occur no more often than monthly.
- (b) *Leadership Group.* The managing body for the six technical teams is the RECOVER Leadership Group. The Leadership Group will be responsible for coordinating and setting priorities for the activities of the six technical teams, for ensuring that the overall focus and direction of the RECOVER implementation process remains consistent with the goals of system-wide restoration, and for issuing documents and reports that provide the collective technical knowledge of the six teams of RECOVER. Membership in the Leadership Group consists of the 18 tri-chairs for the six technical teams, plus one RECOVER Program Manager from each of the two Sponsoring Agencies (USACE & SFWMD). In addition, the Sponsoring Agencies may invite additional representation on the Leadership Group by agencies and tribal governments to insure that all perspectives are adequately available to the group. The two Program Managers will chair the Leadership Group, and have the overall responsibility for coordinating the activities of RECOVER.

5. **Products**

On an annual basis, or as otherwise needed, the RECOVER technical teams will produce documents with technical and scientific information that can be used by Federal, State and Local Agencies and Tribal Governments as part of their decision-making procedures. The documents may include:

- (a) System-wide monitoring and assessment plans
- (b) Evaluation reports on the system-wide performance of each project-level plan
- (c) Adaptive assessment reports on system-wide performance
- (d) Evaluation, refinement and documentation reports for plan improvements
- (e) Operating procedure and process reports
- (f) Technical issue resolution reports
- (g) Annual CERP report cards
- (h) RECOVER program management plans
- (i) Conceptual ecological model reports
- (j) Restoration success white papers.

Production of these documents will require regular participation in team meetings and in periodic workshops. Team members will have the responsibility for coordinating Sponsoring Agency and Participating Party reviews for all RECOVER draft reports. If unresolved scientific and technical issues are identified by the teams, the unresolved issues will be explained in the appropriate technical documents. More detailed descriptions of the RECOVER team tasks and the products from each are provided in the CERP Master Program Management Plan and in the RECOVER Program Management Plan.

6. Sponsoring Agency Contributions

In addition to providing appropriate staff as participants in the RECOVER meetings, the Sponsoring Agencies will provide, as appropriate:

- (a) Logistical and meeting management support
- (b) Support for creating and publishing technical reports and documents
- (c) Other support and coordination needed for RECOVER's efforts.

7. Contributions of the Parties

Each party participating in this MOU will determine its full level of participation on the RECOVER teams, and will determine the specific technical staff and other contributions that it will make in support of RECOVER, consistent with the needs of each team, the areas of expertise represented within each entity, and the availability of staff. Sponsoring Agencies and Participating Parties shall use their best efforts to ensure adequate attendance at and participation in all RECOVER team activities. Supporting Parties will identify a point of contact for all RECOVER communications and documents.

8. Funding

Each party participating in this MOU will be responsible for funding its own participation in RECOVER except where existing or new agreements identify other funding arrangements between the participating parties. This RECOVER MOU does not identify sources of funding or propose inter-agency agreements for funding in support of RECOVER.

9. Limitations

Understanding the role of the RECOVER team also requires an understanding of its limitations. RECOVER is a science and technology team composed of agency staff and other interested group representatives, but RECOVER is not a policy or management team. The scientific and technical evaluations and assessments from RECOVER are factual in nature and are developed by multi-disciplinary, inter-agency teams. Such evaluations and assessments are not intended to represent the views of any single party to this MOU. The long-term goal for RECOVER is that it will serve as a principal body for coordinating and organizing technical information and inter-agency science in support of south Florida restoration programs. All decisions that impact policy shall be made independently in accordance with the respective decision-making requirements of each Sponsoring Agency, Participating Party or Endorsing Party and no votes will be taken by the RECOVER teams. Finally, nothing in this MOU in any way alters or interferes with the existing legal responsibilities of the parties in RECOVER pursuant to applicable state or federal law.

10. Applicable Law

In the exercise of their respective rights and obligations under this MOU, the parties agree to comply with any provisions of Federal and State laws and regulations that apply to each respective party.

11. Effective Date and MOU Term

This MOU shall take effect on the last date of execution by the Sponsoring Agencies and shall remain in effect indefinitely or until such time as this MOU is terminated by either the USACE or the SFWMD by providing written notice to the other parties. Participating and Endorsing Parties may elect to execute this MOU at any time for as long as this MOU remains in effect and such participation shall commence on the date of execution by each Participating or Endorsing Party. The parties to this MOU may execute this MOU in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Sponsoring Agencies hereto have caused this MOU to be executed through their duly authorized representatives on the date and year last written below.

SPONSORING AGENCIES:

South Florida Water Management District

Department of the Army, U.S. Army Corps of
Engineers, Jacksonville District

SFWMD Procurement Approved:

Signature & Date

SFWMD Office of Counsel Approved:

Signature & Date